

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY PAYNE v. WOODS SERVICES, INC., WOODS SERVICES MEDICAL PRACTICE GROUP, LLC, ABRAHAM KAMARA, and JOHN DOES 1-5 AND 6-10	CIVIL ACTION NO. 20-4651
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ORDER RE MOTION TO DISMISS

AND NOW, this 16th day of February, 2021, after careful consideration of Defendants' Motion to Dismiss (ECF 9), Plaintiff's Response (ECF 10), Defendants' Reply (ECF 11), and Plaintiff's Motion for Leave to File a Sur-Reply (ECF 12), for the reasons stated in the attached memorandum, it is hereby **ORDERED** as follows:

1. The Motion for Leave to File a Sur-Reply (ECF 12) is **GRANTED**; and
2. Defendants' Motion to Dismiss (ECF 9) is **GRANTED IN PART AND DENIED IN PART**, as follows:
 - a. with respect to Counts I and II of the Complaint brought pursuant to the FMLA, the Motion to Dismiss is **DENIED**;
 - b. with respect to Counts III and IV brought pursuant to the FFCRA, the Motion is **DENIED**;
 - c. with respect to Count V brought pursuant to the PWL, the Motion is **GRANTED** without prejudice;
 - d. with respect to Counts VI, VII, and VIII brought pursuant to the ADA, the Motion is **GRANTED** without prejudice; and

- e. with respect to Counts IX, X, XI, and XII brought pursuant to the PHRA, the Motion is **GRANTED** without prejudice.

Plaintiff is granted leave to file an amended complaint within 14 days. In his amended complaint, Plaintiff is directed to allege all violations of a particular statute in one count. For example, all claims brought pursuant to the FMLA should be stated in one count.

BY THE COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.

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